

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

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In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,  
*et al.*,

Debtors.

PROMESA  
Title III

No. 17 BK 3283-LTS  
(Jointly Administered)

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**[Related to #18575 and #18647]**

**NOTICE OF CONSTITUTIONAL CHALLENGE TO STATUTE**

Dated: October 29, 2021

Peter C. Hein, a GO and PBA bondholder who purchased in the 2009 through March 2012 time period, years before PROMESA was even in prospect, has filed an Objection to Confirmation of Plan (#18575) (“Objection”), and an Objection to Proposed Order and Judgment Confirming the Seventh Amended Plan (#18647).

Pursuant to Federal Rule of Civil Procedure 5.1, I am filing this notice of constitutional challenge to statute. My Objection to Confirmation of Plan (#18575) and Objection to Proposed Order and Judgment Confirming the Seventh Amended Plan (#18647) raise questions as to the constitutionality of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), 48 U. S. C. §2101 et seq., including that PROMESA is not a “uniform” law “on the subject of bankruptcies throughout the United States” (as Article I, §8, cl,4 requires). #18575-page-46-to-47-of-303. My objection also raises certain other constitutional claims, including that the Takings Clause bars release of Commonwealth from claims of nonconsenting GO and PBA bondholders who do not receive full compensation for their property, that the Due Process and Ex Post Facto clauses bar release of Commonwealth from claims of GO and PBA bondholders, that Due Process precludes deference to FOMB’s certification of financial plans or the plan of adjustment, and that the plan discriminates against 50-states residents in violation of law and the Due Process, Equal Protection and Privileges and Immunities clauses.

This notice has been served on the Attorney General of the United States by mailing to:

Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

I also request the Court, pursuant to 28 U. S. C. §2403, to certify to the Attorney General that the constitutionality of PROMESA has been drawn into question. A proposed order is attached to this notice.

October 29, 2021

Respectfully submitted,

/s/ Peter C. Hein  
Peter C. Hein, pro se  
101 Central Park West, Apt. 14E  
New York, NY 10023  
917-539-8487  
petercheinsr@gmail.com

Claim 10696 and 174229  
GO Bonds: 500,000 par amount, plus  
unpaid interest to date  
[5 separate CUSIPS: 74514LVX2  
74514LWA1  
74514LWM5  
74514LWZ6  
74514LB63]  
PBA Bonds: 200,000 par amount, plus  
unpaid interest to date  
[CUSIP: 745235M24]

UNITED STATES DISTRICT COURT  
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In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

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THE COMMONWEALTH OF PUERTO RICO,  
*et al.*,

No. 17 BK 3283-LTS  
(Jointly Administered)

Debtors.  
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[PROPOSED] ORDER OF NOTICE OF CONSTITUTIONAL CHALLENGE TO STATUTE

The Court has received and reviewed the Notice Of Constitutional Challenge To Statute, Docket Entry No. \_\_\_\_\_, Case No. 17-3283 (the "Notice"), filed by Peter C. Hein, providing notice that his objections to confirmation of plan (#18575 and #18647, the "Objection") question the constitutionality of the Puerto Rico Oversight, Management, Economic Stability Act ("PROMESA") on the grounds that PROMESA is not a "uniform" law "on the subject of bankruptcies throughout the United States" as Article I, §8, cl. 4 requires, as well as asserting other arguments and claims under the Takings, Due Process, Ex Post Facto, Equal Protection and Privileges and Immunities clauses.

Pursuant to 28 U.S.C. §2403(a) the Court hereby certifies the fact of such challenge to the Attorney General of the United States; and it is further

ORDERED that the clerk of this Court shall forward a copy of this Order, the Plan (Docket entry No. 17627 in case No. 17-3283), and Peter Hein's objections (Docket #18575 and #18647) to the Attorney General of the United States.

This Order resolves Docket Entry No. \_\_\_\_\_ in Case No. 17-3283.

SO ORDERED

Dated \_\_\_\_\_, \_\_ 2021

\_\_\_\_\_  
LAURA TAYLOR SWAIN  
United States District Judge

**Certificate of Service**

I, Peter C. Hein, certify that I have caused the foregoing “Notice Of Constitutional Challenge To Statute” to be served via the Court’s CM/ECF system.

October 29, 2021

/s/ Peter C. Hein  
Peter C. Hein